



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.hmw/169
May 31, 2019

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of August 14, 2018 in which you seek the following:

- All emails received by Navy personnel from Thorpe Q. Miller, a former radiological data analyst with the Navy contractor Tetra Tech EC Inc. Additionally, all other Navy records that mention or involve Thorpe Q. Miller, including any opinions, memos, or communications produced by Navy legal staff regarding Miller's employment with Tetra Tech EC, or his employment with any other Navy contractors or subcontractors.

Your request was received by this office on March 12, 2019 and assigned file number DON-NAVY-2018-010497. On April 8, 2019, our office indicated that we would provide a date by May 31, 2019. This partial response provides the first phase of documents.

This initial response includes 10 records that have been identified as responsive with no exemptions applied. Additional records will be released to you by June 28, 2019.

Please be advised that fees associated with the processing of your request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

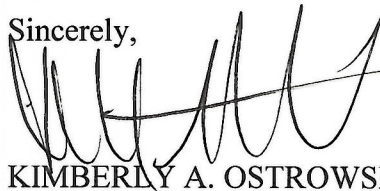
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Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at heather.wochnick@navy.mil or 619-524-4605.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', with a long horizontal line extending to the right.

KIMBERLY A. OSTROWSKI
Director